

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

16. (New) The device according to claim 11, wherein the actuator element of the drive unit of the vehicle includes at least one of a fuel metering device and a solenoid valve.

17. (New) A device for controlling a drive unit of a vehicle including an actuator element for influencing power provided to the drive unit, comprising:

a quantity input determining unit configured to determine a power-determining signal from a position of an operating element of the drive unit of the vehicle; and

a filter unit coupled to the quantity input determining unit, the filter unit including at least one high-pass filter and one low-pass filter connected in parallel, the filter unit configured to filter the power-determining signal output from the quantity input determining unit;

wherein the actuator element of the drive unit of the vehicle is configured to be controlled as a function of the filtered power-determining signal.

18. (New) The device according to claim 17, wherein the filtered power-determining signal has at least one pulse that corresponds in direction to a direction of a change in power derived from the power-determining signal.

19. (New) The device according to claim 17, wherein the operating element of the drive unit of the vehicle includes at least one of an acceleration pedal of the vehicle and a rotary potentiometer.

20. (New) The device according to claim 17, wherein the actuator element of the drive unit of the vehicle includes at least one of a fuel metering device and a solenoid valve.--.

## REMARKS

### I. Introduction

With the addition of new claims 13 to 20, claims 7 to 20 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority. As regards the indication in the Office Action Summary that none of

the certified copies of the priority documents have been received, the Examiner's attention is directed to at least the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated March 11, 2002, which indicates that the priority document has been submitted to the United States Patent and Trademark Office. It is therefore believed and respectfully submitted that the Office has received the priority document, i.e., a copy of the certified copy of Application No. 100 18 551.7, filed in the Federal Republic of Germany on April 14, 2000, from the International Bureau. Applicants therefore respectfully request acknowledgment of receipt of the priority document in the next Office communication.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

Applicants also note with appreciation the indication of allowable subject matter contained in claims 9 and 10. In this regard, claim 9 has been rewritten in independent form and therefore claim 9, and claim 10, which depends from claim 9, are believed to be in allowable condition.

## **II. Rejection of Claims 7, 8, 11 and 12 Under 35 U.S.C. § 102(b)**

Claims 7, 8, 11 and 12 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,345,558 ("Yamaguchi et al."). Applicants respectfully submits that Yamaguchi et al. do not anticipate the present claims for the following reasons.

Independent claim 7 recites a method of controlling a drive unit of a vehicle having an actuator element for influencing power provided to the drive unit, the method comprising determining a power determining signal from a position of an operating element, filtering the power determining signal with a filter, the filter including at least one high-pass filter and at least one low-pass filter connected in parallel, and controlling the actuator element of the drive unit of the vehicle as a function of the filtered power determining signal. Claim 7 has been amended herein to clarify that the operating element is an operating element of the drive unit of the vehicle.

The claimed subject matter provides for torque cushioning by filtering a power-regulating signal between the recording of a driver's command signal and the output of a control signal used to actuate a control element. The filtration may be

implemented at the output of an accelerator-pedal sensor, the output signal that is applied to the control element, or to an intermediate signal.

Yamaguchi et al. purport to disclose a method and a device for detection of knocking vibrations at two separate frequency bands in an engine. See Yamaguchi et al., Abstract. Yamaguchi et al. use a filter circuit (as shown in Figure 13, cited in the Office Action) having a high pass band filter (higher frequency filter) and a low pass band filter (lower-frequency filter) arranged in parallel to selectively respond to two different bands of frequency response output from a vibration detector. The vibration detector is labeled with a reference number "2," and that is why the filter circuit of Figure 3 indicates that it receives an input "from 2". A switching arrangement downstream from the filters selects between the lower-frequency filter and the higher-frequency filter based upon engine parameters such as the prevailing engine speed. See e.g., Yamaguchi et al., col. 15, line 45 to col. 16, line 22. However, it is emphasized that it is the detected vibrations that are filtered and not the signal(s) representative of the engine parameters.

Therefore, Yamaguchi et al. in no way disclose or mention filtering the power determining signal with a filter including at least one high-pass filter and at least one low-pass filter connected in parallel. Yamaguchi et al. are in no way concerned with filtering a signal between a driver's command signal and a power-regulating output signal and the problem of torque cushioning or load-reversal damping is therefore not in any way considered or addressed. That is, it is respectfully submitted that Yamaguchi et al. fail to disclose, or even suggest, a method of controlling a drive unit of a vehicle having an actuator element for influencing power provided to the drive unit, including the steps of determining a power determining signal from a position of an operating element of the drive unit of the vehicle, filtering the power determining signal with a filter, the filter including at least one high-pass filter and at least one low-pass filter connected in parallel, and controlling the actuator element of the drive unit of the vehicle as a function of the filtered power determining signal.

It is accordingly respectfully submitted that Yamaguchi et al. do not anticipate claim 7, or of claim 8, which depends from claim 7.

Independent claim 11 recites a device for controlling a drive unit of a vehicle having an actuator element for influencing power provided to the drive unit that comprises a quantity input determining unit for determining a power-determining signal from a position of an operating element and a filter unit coupled to the quantity

input determining unit that includes at least one high-pass filter and one low-pass filter connected in parallel, the filter unit filtering the power-determining signal output from the quantity input determining unit. Claim 11 has been amended herein without prejudice to clarify that the operating element is an operating element of the drive unit of the vehicle. It is submitted that claim 11 is not anticipated by Yamaguchi et al. for essentially the same reasons given above with respect to claim 7. As claim 12 depends from claim 11, it is equally not anticipated by Yamaguchi et al.

Withdrawal of the rejection of claims 7, 8, 11 and 12 under 35 U.S.C. § 102(b) is accordingly requested.

### III. New Claims 13 to 20

New claims 13 to 20 have been added herein. It is respectfully submitted that new claims 13 to 20 are fully supported by the present application, including the Specification, and add no new matter. It is respectfully submitted that claims 13 to 20 are allowable over Yamaguchi et al. for at least the same reasons given above in support of the patentability of claims 7, 8, 11 and 12.

### IV. Conclusion

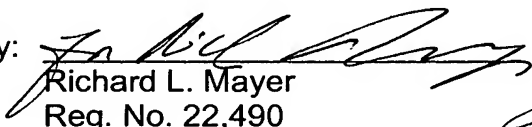
It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON

Dated: July 15, 2003

By:

  
Richard L. Mayer  
Reg. No. 22,490

One Broadway  
New York, New York 10004  
(212) 425-7200

*(49)*  
*36,197)*

CUSTOMER NO. 26646



26646

PATENT TRADEMARK OFFICE

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

New claims 13 to 20 have been added.

Claims 7, 9 and 11 have has been amended without prejudice as follows:

7. (Amended) A method of controlling a drive unit of a vehicle having an actuator element for influencing power provided to the drive unit, the method comprising:

determining a power determining signal from a position of an operating element of the drive unit of the vehicle;

filtering the power determining signal with a filter, the filter including at least one high-pass filter and at least one low-pass filter connected in parallel; and

controlling the actuator element of the drive unit of the vehicle as a function of the filtered power determining signal.

9. (Amended) [The] A method [according to claim 7,] of controlling a drive unit of a vehicle having an actuator element for influencing power provided to the drive unit, the method comprising:

determining a power determining signal from a position of an operating element;

filtering the power determining signal with a filter, the filter including at least one high-pass filter and at least one low-pass filter connected in parallel; and

controlling the actuator element as a function of the filtered power determining signal;

wherein the at least one high-pass filter includes first and second high-pass filters connected in parallel.

11. (Amended) A device for controlling a drive unit of a vehicle having an actuator element for influencing power provided to the drive unit, comprising:

a quantity input determining unit for determining a power-determining signal from a position of an operating element of the drive unit of the vehicle; and

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

a filter unit coupled to the quantity input determining unit, the filter unit including at least one high-pass filter and one low-pass filter connected in parallel, the filter unit filtering the power-determining signal output from the quantity input determining unit, wherein the actuator element of the drive unit of the vehicle is controlled as a function of the filtered power-determining signal.